



MEMO ENDORSED

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 13, 2017

BY ELECTRONIC MAIL and ECF

The Honorable Cathy Seibel
United States District Judge
300 Quarropas Street
White Plains, NY 10601

Application Granted / ~~Denied~~ *Conference*
So Ordered. *adjourned*
to 11/3/17
at 3:30pm

Cathy Seibel
Cathy Seibel, U.S.D.J.

Dated: 9/14/17

RE: United States v. Matthew Madonna, et al., 17 Cr. 89 (CS)

Dear Judge Seibel:

We write to inform the Court that, this morning, a grand jury in this District returned the enclosed indictment, captioned S3 17 Cr. 89 (the "S3 Indictment"). The S3 Indictment differs from the prior controlling indictment in this case in that it includes an additional count, Count Ten. Count Ten charges that in or about June 2017, defendant Christopher Londonio attempted to escape from the Metropolitan Detention Center.

The Government's investigation has revealed that, in order to avoid standing trial on the charges in this case, Londonio and another detainee concocted a plan to escape from the MDC. In furtherance of the plan, Londonio used dental floss as a cutting tool to tamper with a window in the facility. He also planned to solicit a priest to smuggle a saw blade into the facility, and secretly stockpiled a large number of sheets and blankets, intending to use them as a rope to aid in his escape. The plan was foiled after a fellow detainee reported the escape plan to the authorities.

The discovery associated with Count Ten consists primarily of photographs documenting Londonio's efforts to tamper with the cell window, phone and e-mail records that establish Londonio's efforts to solicit associates in the Bronx to assist in the escape plan, and numerous bedsheets that were found secreted in Londonio's cell. The Government expects that these materials will be disclosed to counsel shortly.

Separately, the Government writes to update the Court on the status of overall discovery in this case and to propose an amendment to the pretrial schedule. As the Court is aware, the Government has already produced hundreds of consensual recordings and the line sheets and intercepts of over ten wiretaps. As the Government has continued to investigate, it has identified additional historical wiretaps that are relevant to the charged conduct. In certain cases, the wire intercepts were recorded on cassette tapes and must be digitized before they can be produced.

Given the volume and nature of the discovery already produced, as well as the discovery that is yet to come, the Government does not anticipate that discovery will be complete prior to

September 20, 2017, the date currently set for the next pretrial conference in this matter. Accordingly, in order to conserve the time and resources of the Court and counsel, the Government proposes that the status conference be adjourned to November 3, 2017, at 3:30 p.m., which we understand to be a date and time that are convenient for the Court. By that time, the Government anticipates that it will have produced substantially all discovery in its possession. We have consulted with all defense counsel and have received no objection to this proposal. Additionally, if the Court is inclined to adjourn the conference, the Government respectfully requests, with the consent of the defendants, that the Court enter the enclosed order excluding time under the Speedy Trial Act until the new conference date.

Respectfully submitted,

JOON H. KIM
Acting United States Attorney

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cc: All counsel (by ECF)